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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,585	12/31/2001	Samuel W. Flynn	9571.00	4070
26884	7590	07/01/2005	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			TANG, SON M	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/036,585	Applicant(s) FLYNN, SAMUEL W.	
	Examiner Son M. Tang	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/31/2005 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim **25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mason [US 6,408,279].

Regarding to claim 25: Mason discloses a system for enhancing security for a self-checkout station comprising:

- a number of security devices (28a) each positioned at the self-checkout station security controller 10;
- a server (22) for receiving an event message from the self-checkout station containing an event indicative of a security violation (e.g. theft according to col. 7, lines 27-28) during a transaction include a self-checkout station identification, and generating an alert message containing the event [col. 6, lines 3-15 and 7, lines 25-33];

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- a security controller is inhered in the server (22) for parsing the alert message to obtain the event, and generating a control message for controlling the one security device (28a) in according with the control procedure (such as to record customer images, see col. 6, lines 3-15) and self-checkout station identification information (as suggested by col. 4, lines 22-32, since communication with a particular self-checkout station requires knowing its ID), and for generating an alert message containing the event (such as theft or intentionally exits the store without pay for his/her items) as shown in [col. 4, lines 10-44, col. 7, lines 25-40]. Mason does not specifically disclose that the event is assigned a priority level and the alert message is generated if the priority level is at least a threshold priority level. Since the security device (camera) is used for capturing certain events during a customer's transaction, wherein certain events are events that are important enough for the station's system to trigger the camera (such as theft, or coupon transaction), it would have been obvious to one having ordinary skill in the art at the time the invention to recognize that actions involving the shopper at the self-checkout station that related to security violation such as theft or intentionally leave the store without pay for his/her item constitute a threshold priority level, which is important enough to cause server to trigger camera to capture the shopper image.

3. Claims **26-29, 31-32 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason [US 6,408,279] in view of Blackshear [US 4,945,367].

Regarding to claims 26 and 35: Mason discloses all the limitation as described above, except for specifically disclose that the security controller is controlled the zoom, pan, tilt, and focus operations of the camera. Blackshear teaches a security camera is being able to zoom,

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pan, tilt and focus to the locations that is corresponding to the activation of an alarm signal that indicates the alarm event and location [col. 10, lines 17-26]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to have security camera that zoom, pan, tilt, and focus operations corresponding to the control messages (events alarm) from the security controller, for the purpose of capturing a better shopper image for facilitating the identification of a shopper.

Regarding to claim 27: Mason and Blackshear discloses all the limitation as described above, Mason mounted the camera at above the station as shown in Fig. 2 and Blackshear teaches a dome camera, they fail to specify that the camera mounted to the ceiling above the self-checkout station. As long as, the camera is being mounted at a level that is able to capture the shopper's image, one who is disposed the camera at any appropriate location or position including the ceiling is not constitute an inventive step, but a design choice. Therefore, it would have been obvious of one having ordinary skilled in the art at the time the invention was made to mounted the camera at the ceiling for better focus.

Regarding to claims 28-29 and 31-32: Mason and Blackshear made obvious in claims 25-26 above, Mason further teaches a video camera 28a, which uses for recording and displaying captured image on display 60 [col. 9, lines 36-42], Mason does not specifically disclose that the control message direct a video stream from a camera includes a station identifier and event identifier by the alert message to the video camera. Since communication with a particular self-checkout station requires knowing its ID and event occurred at that station. Therefore, it would have been obvious of one having ordinary skill in the art at the time the invention to recognize that the event (e.g. image data captured) direct to the controller is

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included a station identifier and event identifier, so that personnel is easy to identify the event and station location.

Regarding to claims 36-43: The claimed method steps are interpreted and rejected as rejection stated above.

4. Claims **30 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason in view of Blackshear, and further in view of Humble [US 5,426,282].

Regarding to claims 30 and 33: Mason and Blackshear made of obvious in claim 4 above, they fail to specify that controller 22 includes a flashing and audible alert indicator in the video stream directed to the image data display device, Humble teaches a self-checkout station comprises a camera that send recorded image to controller 70 includes a flashing and audible alert indicator [col. 6, lines 54-58]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to have the flashing/audible alert indicator in the video stream directed to display at the cashier station as taught by Humble into the monitor controller of Mason and Blackshear above, for the purpose of safety which alert personnel that an immediately attention to important event has occurred.

5. Claims **34 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason in view of Blackshear, and further in view of Lippert [US 6,343,739].

Regarding to claim 34: Mason and Blackshear made of obvious of claim 1 above, they fail to specify that wherein the security device is a pager associated with a security officer. Lippert teaches a self-checkout system, which comprises a pager, associated with security officer

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and received personnel-request signal [as cited in Fig. 22, col. 21, lines 19-40]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to have portable pager which can be received a request message from the controller as taught by Lippert, into the system of combination above, for enhancing the security when security officer is out of office.

Regarding to claim 44: The claimed method steps are interpreted and rejected as rejection stated above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morrison et al. [US 6,032,128].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BENJAMIN C. LEE
PRIMARY EXAMINER

Son Tang